

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. application of:

Application No.: 10/589,325

Filed: May 04, 2007

Applicant: Inderpal S. Mumick

Title: Methods for Identifying Messages
And Communicating With Users of a
Multimodal Messaging Service

Examiner: Herrera, Diego D

Art Unit: 2617

Atty. docket no: KIRU-0081-US

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Request for Continued Examination

Examiner Herrera:

In response to the final office action dated November 10, 2010, please amend the above-referenced application as follows:

Amendments to the Claims are reflected in the listing of claims, which begin on page 2 of this response.

Remarks begin on page 6 of this response.

Attachments:

1. Transmittal Form, PTO/SB/21;
2. Request for Continued Examination Transmittal, form PTO/SB/30;
3. Petition for 3 month time extension, PTO/SB/22; and
4. Payment of the following fees by credit card:
 - \$405 for the RCE;
 - \$555 for 3 month time extension;

The Director is hereby authorized to charge any underpayment of fee, or any other fee that may be required to deposit account # 503291.

Amendments to the Claims

Claim 1 (currently amended): A method of communicating a multimodal message in a multimodal SMS communication, the method comprising:

creating a voice message by recording said voice message on a multimodal platform;

generating an SMS message containing a link to the voice message on the multimodal platform, which wherein said link when activated allows a recipient to retrieve the voice message and/or provide an outgoing message in reply to the SMS message;

assigning a unique message identifier to the voice message stored on the multimodal platform, wherein [[the]] each said message identifier comprises a [[user]] single recipient identifier combined with each of a predefined number of network identifiers for uniquely identifying each said voice message for each recipient, wherein the message identifier is assigned by a network pool, and wherein the unique message identifier is associated with the recipient;

adding the message identifier to the SMS message;

storing the message identifier with the SMS message; and

transmitting the SMS message to the recipient via a connection that comprises a wireless network for notifying said recipient of said voice message and/or for providing said link to said recipient;

wherein the multimodal message contains audio, text, or both audio and text.

Claim 2 (original): The method of claim 1, further comprising: accessing the SMS message by activating the link.

Claim 3 (currently amended): The method of claim 1, ~~further comprising: the recipient providing an~~ wherein the outgoing [[SMS]] message of the recipient in reply to the SMS message comprises a text message, a voice message, or a combination thereof by accessing the link.

Claim 4 (currently amended): The method of claim 3, wherein the outgoing [[SMS]] message is intercepted by an SMS center if the recipient is part of a defined subset of recipients, wherein the SMS center insets a link to the multimodal platform into the intercepted message or forwards the intercepted message to the multimodal platform for modification.

Claim 5 (canceled).

Claim 6 (original): The method of claim 1, wherein the audio message is a voice mail message and wherein the link allows access to the voice mail message.

Claim 7 (original): The method of claim 1, wherein the message contains audio and wherein the step of creating the message comprises: calling an assigned network number; and speaking the desired message.

Claim 8 (original): The method of claim 1, wherein the step of transmitting the SMS message comprises: sending the SMS message to a virtual service identifier number, wherein the SMS message is directed to a multimodal platform.

Claim 9 (original): The method of claim 8, wherein the multimodal platform associates the virtual service identifier number with the recipient.

Claim 10 (currently amended): The method of claim 1, wherein the step of transmitting the SMS message comprises: an SMS center intercepting the SMS message sent to the recipient if the recipient is part of a defined subset of recipients, wherein the SMS center insets a link into the intercepted message or forwards the intercepted message to the multimodal platform for modification.

Claim 11 (original): The method of claim 1, wherein the SMS message is converted into a multimodal SMS message.

Claim 12 (original): The method of claim 1, further comprising: filtering the SMS message to determine if the sender of the text SMS message is a subscriber to a multimodal SMS service.

Claim 13 (original): The method of claim 1, wherein a sender of the SMS message is a subscriber to a network carrier responsible for sending and delivering the message.

Claim 14 (original): The method of claim 1, further comprising: converting the SMS message to a multimedia message, comprising dividing the text message into multimedia components.

Claim 15 (original): The method of claim 1, further comprising: adding a multimodal SMS link to a non-text portion of the message, if the outgoing message is directed to an instant message platform.

Claim 16 (original): The method of claim 2, wherein the SMS message is a message from a voice message system.

Claim 17 (original): The method of claim 1, further comprising: retrieving the SMS message by one of (i) activating the link and (ii) calling an access number, wherein the retrieval of the SMS message may result in a predetermined charge to the recipient.

Claim 18 (currently amended): A computer-readable medium having computer-executable instructions to perform a method of communicating a message in a multimodal SMS communication, the method comprising:

creating a voice message by recording said voice message on one or more of a multimodal platform and an associated speech server;

generating an SMS message containing a link to the voice message on the multimodal platform, which wherein said link when activated allows a recipient to retrieve the voice message and/or provide an outgoing message in reply to the SMS message;

assigning a unique message identifier to the SMS message stored on the multimodal platform, wherein [[the]] each said message identifier comprises a [[user]] single recipient identifier combined with each of a predefined number of network identifiers for uniquely identifying each said voice message for each recipient, wherein the message identifier is assigned by a network pool, and wherein the unique message identifier is associated with the recipient;

adding the message identifier to the SMS message;

storing the message identifier with the SMS message; and

transmitting the SMS message to the recipient via a connection that comprises a wireless network for notifying said recipient of said voice message and/or for providing said link to said recipient;

wherein the message may contain audio, text, or both audio and text.

Claim 19 (original): The computer-readable medium of claim 18, wherein the method further comprises: accessing the SMS message by activating the link.

Claim 20 (canceled).

Remarks

The Present Invention and the Pending Claims

The present invention relates generally to sending and receiving of short messages between wireless telephony users. More specifically, the present invention relates to the addition of speech capabilities to standard text messaging systems to create a multimodal short message service (SMS) service with the capability of uniquely identifying the messages and users in such a service.

Claims 1-4 and 6-19 are currently pending. Reconsideration and allowance of the pending claims is respectfully requested.

Summary of the Office Action

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleindienst (US 20040019487 A1), in view of Rukman (US 20040185883 A1).

Amendments To The Claims

Claims 1, 3, 4, 10 and 18 are currently amended.

Support for the amendment “wherein said link when activated allows a recipient to retrieve the voice message and/or provide an outgoing message in reply to the SMS message” in claims 1 and 18 can be found in original claim 3 and at paragraphs [0029] and [0031] of applicant’s PCT application # PCT/US2005/028865.

Support for the amendment “wherein each said message identifier comprises a single recipient identifier combined with each of a predefined number of network identifiers for uniquely identifying each said voice message for each recipient” in claims 1 and 18 can

be found at paragraphs [0020] through [0022] and FIG. 2 of applicant's PCT application # PCT/US2005/028865.

Claims 5 and 20 have been canceled.

The office action states: "**Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleindienst (US 20040019487), in view of Rukman (US 20040185883.)**"

In response to the rejection of claims 1 and 18 under 35 U.S.C. 103(a), applicant respectfully submits Kleindienst in view of Rukman does not teach or suggest all the limitations in claims 1 and 18. Applicant discloses a method of communicating a message in multimodal SMS communication between mobile communication devices using a multimodal platform. An initiating user of the multimodal service creates a voice message by recording the voice message on the multimodal platform. The user may directly call the multimodal platform or reply to a previous multimodal SMS to create the voice recording. After the recording by the initiating user is completed and stored at the multimodal platform, a **text SMS message containing a link to the voice message on the multimodal platform**, including the text message of the initiating user, is generated, which can be activated by a recipient **to retrieve the voice message** and/or provide an **outgoing message in reply to the SMS message** (see applicant's disclosure, paragraphs [0016], [0017], [0029] and [0031] of applicant's PCT application # PCT/US2005/028865). In effect, a multimodal SMS message containing both audio content and text content of the initiating user is communicated to the recipient. Kleindienst in view of Rukman does not teach or suggest generating or **embedding a link to the voice message on the multimodal platform in a text SMS message**, which when activated connects the recipient to the multimodal platform to retrieve or listen to the voice message (i.e. audio content of the message) and/or to provide a reply message.

Page 4 of the Office Action states that it is well known in the art and that Rukman discloses "generating an **SMS message containing a link to the voice message** on the

multimodal platform” in abstract and paragraphs 11, 13-16 and 26. Applicant respectfully disagrees. Rukman discloses, *inter alia*, a system that converts a multimedia message service (MMS) message into a text-only SMS message **by removing the non-text information** (for e.g., multimedia content) in the MMS message and sending the text-only SMS message to an SMS-only device (see Rukman, paragraphs [0011], [0012], and [0013]). Applicant respectfully asserts that Kleindienst in view of Rukman does not teach or suggest generating an **SMS message containing a link to the voice message** stored on the multimodal platform. Applicant respectfully invites the Examiner to specifically point out where this limitation is taught or suggested in Rukman, or withdraw the rejection. Accordingly, applicant submits that Kleindienst in view of Rukman does not teach or suggest the following limitations in claims 1 and 18:

“creating a voice message by recording said voice message on one or more of a multimodal platform and an associated speech server;” in claims 1 and 18, and

“generating an SMS message containing a link to the voice message on the multimodal platform, wherein said link when activated allows a recipient to retrieve the voice message and/or provide an outgoing message in reply to the SMS message;” in claims 1 and 18.

Moreover, the references sought to be combined teach away from applicant’s multimodal SMS mechanism method for communicating speech (audio content) and text with standard text SMS. This multimodal SMS mechanism allows users to **send and receive voice messages** associated directly with text SMS messages. In contrast, Rukman teaches away from the method claimed in claim 1, and instead teaches a system that converts an MMS message into a text SMS message **by removing the non-text information** (for e.g., multimedia content) in the MMS message and sending the text-only SMS message to an SMS-only device (see Rukman, paragraphs [0011], [0035], and [0036]). Therefore, one skilled in the art would not likely consider combining the teachings of Rukman with Kleindienst to arrive at the claimed invention.

Therefore, even if Kleindienst and Rukman are combined as suggested in the office action, there is no reasonable expectation of success in arriving at the invention claimed in claims 1 and 18. For the reasons stated above, applicant respectfully submits that claims 1 and 18 are not obvious over Kleindienst in view of Rukman, and requests that the rejection of claims 1 and 18 over Kleindienst in view of Rukman be withdrawn.

Furthermore, applicant discloses assigning a unique message identifier to the voice message stored on the multimodal platform. Each **message identifier comprises a single recipient identifier combined with each of a predefined number of network identifiers for uniquely identifying each of the voice messages stored** on the multimodal platform for each recipient. For example, recipient identifier, 200(1) through 200(K) for K users, is combined with a network identifier (for e.g., a telephone number), 202(1) through 202(L) such that each voice message recorded for a particular recipient is uniquely identified by this combination (see applicant's disclosure, paragraphs [0020] through [0022], and FIG. 2). The message identifier is added to the SMS message and sent to the recipient. The recipient can read the SMS message and retrieve the voice message from the multimodal platform through the message identifier. Furthermore, applicant submits that the interpretation of the term "unique message identifier" is derived from the instant specification, and the purpose of the term "message identifier" is explicitly recited in the claim in terms of its function, namely, uniquely identifying each voice message **stored on the multimodal platform**, and its constituents, namely, a single recipient identifier combined with each of a predefined number of network identifiers. Kleindienst in view of Rukman does not teach or suggest assigning a unique message identifier to the recorded voice message **stored on the multimodal platform**. Kleindienst in view of Rukman also does not teach or suggest a single recipient identifier combined with a predefined number of network identifiers for uniquely identifying each voice message on the multimodal platform.

Pages 4 and 5 of the Office Action states that Kleindienst discloses the limitations "assigning a unique message identifier to the voice message stored on the multimodal platform" and "wherein each said message identifier comprises a single recipient

identifier combined with each of a predefined number of network identifiers for uniquely identifying each said voice message” in paragraphs 14 and 24. Applicant respectfully disagrees. Kleindienst discloses, *inter alia*, a method for authoring message templates on a device I/O interface, wherein a **keyword** is defined for each message template of the I/O interface to identify each message template **on the I/O interface** (see Kleindienst, paragraph [0014]), but does not disclose a unique message identifier that is a combination of a recipient identifier and network identifiers, to uniquely identify each voice message **stored on the multimodal platform**. Applicant respectfully invites the Examiner to specifically point out where this limitation is taught or suggested by Kelindienst in the context of applicant’s claim, or withdraw the rejection. Accordingly, applicant submits that Kleindienst in view of Rukman does not teach or suggest the following limitations in claims 1 and 18:

“assigning a unique message identifier to the voice message stored on the multimodal platform, wherein each said message identifier comprises a single recipient identifier combined with each of a predefined number of network identifiers for uniquely identifying each said voice message for each recipient” in claims 1 and 18, and

“adding the message identifier to the SMS message;” in claims 1 and 18.

For the reasons stated above, applicant respectfully submits that claims 1 and 18 are not obvious over Kleindienst in view of Rukman, and requests that the rejection of claims 1 and 18 over Kleindienst in view of Rukman be withdrawn.

In response to the rejection of claims 3, 4 and 10 under 35 U.S.C. 103(a), applicant submits that Kleindienst in view of Rukman does teach or suggest all the limitations in claims 3, 4 and 10. Applicant discloses that the recipient of the multimodal SMS message can provide an outgoing SMS message in reply to the multimodal SMS message by accessing the link embedded in the SMS message. In an embodiment, all the outgoing SMS messages from a **defined subset of recipients are intercepted** by a special SMS center. In another embodiment, all the SMS messages sent **to a defined**

subset of recipients are **intercepted** by the special SMS center. The special SMS center then either inserts the necessary **links to the multimodal platform** into the intercepted SMS messages or forwards the intercepted SMS messages to the multimodal platform for modification (see applicant's disclosure, paragraphs [0037] and [0038]). Although Rukman discloses a gateway between MMS center and SMS center components, Rukman or Kleindienst do not teach or suggest a special SMS center that intercepts outgoing SMS messages from a defined subset of recipients and/or intercepts incoming messages to a defined subset of recipients for inserting the **link to the multimodal platform**. Accordingly, Kleindienst in view of Rukman does not teach or suggest the following limitations:

“wherein the outgoing message of the recipient in reply to the SMS message comprises a text message, a voice message, or a combination thereof” in claim 3;

“wherein the outgoing message is intercepted by an SMS center if the recipient is part of a defined subset of recipients, wherein the SMS center insets a link to the multimodal platform into the intercepted message or forwards the intercepted message to the multimodal platform for modification” in claim 4; and

“wherein the step of transmitting the SMS message comprises: an SMS center intercepting the SMS message sent to the recipient if the recipient is part of a defined subset of recipients, wherein the SMS center insets a link into the intercepted message or forwards the intercepted message to the multimodal platform for modification” in claim 10.

Claims 2, 6-9 and 11-17 are dependent on claim 1. Since claim 1 is not obvious over Kleindienst in view of Rukman, applicant respectfully submits that dependent claims 2, 6-9 and 11-17 are also not obvious over Kleindienst in view of Rukman, and requests that the rejection of claims 2, 6-9 and 11-17 be withdrawn.

Claim 5 has been canceled. Therefore the rejection of claim 5 under 35 U.S.C. 103(a) is moot.

Claims 19 is dependent on claim 18. Since claim 18 is not obvious over Kleindienst in view of Rukman, applicant respectfully submits that dependent claim 19 is also not obvious over Kleindienst in view of Rukman, and requests that the rejection of claim 19 be withdrawn.

Claim 20 has also been canceled. Therefore the rejection of claim 20 under 35 U.S.C. 103(a) is moot.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of Examiner Herrera, a telephone conference would expedite the prosecution of this application, Examiner Herrera is requested to call the undersigned at the telephone number indicated below.

Respectfully submitted,

Date: May 09, 2011



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